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COMPETITION POLICY ISSUES

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Fraser & Beatty

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#### COURSE OUTLINE

##### Section One - Objectives of Competition Policy

- (i) Antitrust Cases, Economic Notes and Other Materials, Richard Posner, 2nd ed. (St. Paul, Minn.: West Pub. Co., 1981.) pp. 1-13.
- (ii) Dynamic Change and Accountability in a Canadian Market Economy, Lawrence Skeoch and Bruce McDonald (Ottawa; D.S.S., 1976) Ch. 1.
- (iii) The Objectives of Canadian Competition Policy 1888-1983, Paul K. Gorecki and W.T. Stanbury (Montreal: Institute for Research on Public Policy, 1984), Ch. 6.

##### Section Two - Statutory Material and Institutional Structure

- \*(i) The New Competition Law, L.A.W. Hunter, Q.C. (Toronto: CCH, 1986).
- (ii) Competition Tribunal Rules (SOR/87-373 Canada Gazette, Part II, vol. 121, no. 14) proclaimed in force on June 25, 1987.

##### Section Three - Abuse of Dominant Position

- (i) "Abuse of Dominant Position," Bruce McDonald, Canadian Competition Policy Record, Vol 8, No. 1, March 1987, pp. 59-75.

- (ii) "Reflections on McDonald on Abuse of Dominant Position," R.D. Anderson and S.D. Khosla, Canadian Competition Policy Record, Vol. 8, No. 3, September 1987, pp. 51-60.
- (iii) "Abuse of Dominance or Abuse of Reason?", Roger L. Martin and Brad Martin, Canadian Competition Policy Record, Vol. 8, No. 3, September 1987, pp. 61-67.

#### Section Four - Merger Policy

- (i) "Recent Developments in Canadian and U.S. Merger Policy," R.D. Anderson and S.D. Khosla, Canadian Competition Policy Record, Vol. 7, No. 3, September 1986.
- (ii) Competition Act - Prenotification Regulations; Commentary on the Regulations; Procedural Information; Prenotification Guide and Flowchart; and Short and Long Forms.
- (iii) "Notifiable Transactions Under The Competition Act," Debra P. Steger and John F. Blakney, presented at the Fraser & Beatty Competition - Free Trade Seminar on November 11, 1987, Toronto, Ontario.
- (iv) Materials concerning the proposed share acquisition of Palm Dairies Limited by 340280 Alberta Limited including a proposed Consent Order and Orders dated October 28 and November 27, 1987.
- (v) Materials concerning the proceedings taken in the "Meat Rendering Merger Inquiry" as of November 24, 1987.
- (vi) Materials concerning the acquisition of the food retailing operations of Woodward Stores Limited by Canada Safeway Limited and released by the Director of Investigation and Research, Competition Act, Consumer and Corporate Affairs Canada, on May 20, 1987.
- (vii) "The New Merger Provisions of the Competition Act Certainty or a Random Walk," Lawson A.W. Hunter, Q.C., Meredith Memorial Lectures, presented at McGill University on September 18, 1987, Montreal, Quebec.

### Section Five - Competition Policy and Regulated Industry

- (i) "The Competition Act as it Relates to the Regulated Sector," Notes for an Address by Calvin S. Goldman, Director of Investigation and Research - Competition Act, September 10, 1986.
- (ii) Reference re The Farm Products Marketing Act, (1957) S.C.R. 198.
- (iii) Jabour v Law Society of B.C., (1983) 137 D.L.R. (3d) 1 (S.C.C.).
- (iv) Regina v Canadian Breweries Ltd. [1960], O.R. 601 (Ont. H.C.), 126 Can. C.C. 133(H.C.).
- (v) Investment Canada Act, S.C. 1985, c. 20.
- (vi) National Transportation Act, 1987, S.C. 1987, c. 34, Part VII.

### Section Six - International Trade and Competition Law Interface

- \* (i) "Canadian and U.S. Antitrust Law - Implications for Trade Negotiations," L.A.W. Hunter, Q.C., D.E. Rosenthal, Mark Gillen and Todd Miller.
- (ii) Legal Opinions Regarding the Canada-United States Free Trade Agreement.
  - a) Hogan & Hartson, dated October 15, 1987
  - b) Fraser & Beatty, dated November 18, 1987
  - c) Fasken & Calvin, dated November 19, 1987.

### Section Seven - Jurisdictional Issues - Extraterritoriality and International Co-operation

- (i) "Extraterritorial Application of Canadian and Foreign Laws Prohibiting Restrictive Business Practices" in International Business Transactions and Economic Regulations (6th ed.) Castel et al. (Toronto: Montgomery, 1986).

- (ii) Gulf Oil Corporation v Gulf Canada Ltd., III D.L.R.  
(3d) 74 S.C.C.).
- (iii) Re Westinghouse and Duquesne Light 78 D.L.R. (3d) 3  
(Ont. H.C.).